



## **PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, April 23, 2008**

**9:00 a.m.  
City Council Chambers  
City Hall**

**200 East Santa Clara Street  
San José, California 95113-1905**

### **Hearing Officers**

**Jean Hamilton, AICP, Principal Planner**

**Susan Walton, Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## **NOTE**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## **NOTICE TO THE PUBLIC**

Good morning, this is the Planning Director's Hearing of **April 23, 2008**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

**AGENDA**  
**ORDER OF BUSINESS**

**1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

**2. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **TR08-065**. Tree Removal Permit to remove one Canary Island Pine tree, approximately 78 inches in circumference, from the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located at 4719 Oyster Bay Drive (Kim Kailand P And Georgina L Trustee, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Misty Mersich*
- b. **TR08-081**. To remove a Tulip tree, approximately 74" in circumference located on a single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1218 North Monroe Street (Watson, Matthew and Duffy, Christine M., Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Ed Schreiner*
- c. **TR08-063**. Tree Removal Permit to remove one Liquid Amber tree, approximately 71 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 665 Willow Glen Way (Wong Darryl And Lili, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Misty Mersich*
- d. **TR08-078**. Tree Removal Permit to remove one Redwood tree, approximately 124 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the west side of South 12th Street, approximately 250 feet south of East Santa Clara Street (29 S 12TH ST) (Pauls David W, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Misty Mersich*

- e. **PD07-021**. Planned Development Permit to add a second and third story totalling 6,900 square feet (for weight room and classrooms uses) over an existing maintenance building at a private school on a 53 gross acre site in the A(PD) Planned Development Zoning District, located at the easterly terminus of Skyway Drive, east of Monterey Road (100 SKYWAY DR) (Valley Christian Schools, Owner). Council District 2. SNI: None. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- f. **TR08-068**. Tree Removal Permit to allow the removal of one Ash tree approximately 125-inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 2140 Cheryl Way (Christopher M. Galy and Audrey N. Morris-Galy Owners). Council District 6. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- g. **H07-046**. Site Development Permit request to allow demolition of an existing single-family house and construct a new surface parking lot, remove two ordinance size trees and to install a stand-by 60kw power back-up generator for an existing commercial building on a 0.55 gross acre site in the CG-General Commercial Zoning District, located on the southwest corner of South Sunset Avenue and Alum Rock Avenue (25 South Sunset Avenue) (Alum Rock Corners LLC, Owner). Council District 5. SNI: Mayfair. CEQA: Exempt.  
*Project Manager, Sanhita Mallick*
- h. **TR07-335**. Tree removal permit for a live Ash Tree from the rear yard of approximately 72 inches in circumference for a 0.13 gross acre site located in the R-1-8 Zoning District, located at/on the north side of Bela Drive, approximately 500 feet east of Brenton Avenue (5048 BELA DR) (Thomas Waldron E And Ann I Trustee, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Reena Mathew*
- i. **HA80-229-01**. Tree removal permit for five live and one dead Monterey Pine trees in the common areas of a multifamily residential development in the R-M Multiple Residence Zoning District, located at/on the Northeast corner of Norwalk Drive and Aubury Drive (490 Auburn Way) (Jamie Gonzalez and Perla Saucedo, Owners). Council District 1. CEQA: Exempt.  
*Project Manager, Reena Mathew*
- j. The projects being considered are located at/on east side of Almaden Road, approximately 400 feet south of McKean Road (19600 ALMADEN RD), in the R-1-8 Single-Family Residence Zoning District (MASOUMI MIKE ET AL, Owner; MIKE MASOUMI, Developer). Council District 10. SNI: None. CEQA: Exempt.
  - 1) **PD07-051**. Planned Development Permit to demolish an existing warehouse building and construct six single-family detached residences on a 1.09 gross acre site.  
*Project Manager, Michelle Stahlhut*
  - 2) **PT07-046**. Planned Development Tentative Map to subdivide one parcel into six lots for single-family detached residential uses on a 1.09 gross acre site.  
*Project Manager, Michelle Stahlhut*
- k. **TR08-088**. Tree Removal Permit request to remove one Himalayan Cedar tree, approximately 72 inches in circumference, from the side yard of a single-family detached residence in the A(PD) Planned Development Zoning District, located at 6447 Montego Court (Lippincott R.H. And Carolyn Trustee, Owner). Council District 10. CEQA: Exempt.  
*Project Manager, Ed Schreiner*

The consent calendar is now closed.

### 3. **PUBLIC HEARING**

- a. **TR08-061**. Tree Removal Permit to remove two Redwood trees, approximately 70 and 117 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the east side of Elkhorn Court, approximately 300 feet south of Curtner Avenue (2286 ELKHORN CT) (Hare James A and Caren E, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Misty Mersich*

This concludes the Planning Director's Hearing for April 23, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.